

HF742 - 1A - Certain Firefighting Foam Prohibited

Chief Author: **Matthew Norris**
 Committee: **Environment and Natural Resources Finance And Policy**
 Date Completed: **2/13/2023 10:08:39 PM**
 Lead Agency: **Pollution Control Agency**
 Other Agencies:
 Public Safety Dept

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium	
Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
Public Safety Dept					
Restrict Misc. Special Revenue	-	-	229	-	-
State Total					
Restrict Misc. Special Revenue	-	-	229	-	-
Total	-	-	229	-	-
Biennial Total			229		

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
Public Safety Dept					
Restrict Misc. Special Revenue	-	-	-	-	-
Total	-	-	-	-	-

Lead LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Jim Carlson **Date:** 2/13/2023 10:08:39 PM
Phone: 651-284-6540 **Email:** jim.carlson@lbo.mn.gov

State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands		FY2023	FY2024	FY2025	FY2026	FY2027
Public Safety Dept						
Restrict Misc. Special Revenue		-	-	229	-	-
Total		-	-	229	-	-
Biennial Total				229		-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Public Safety Dept						
Restrict Misc. Special Revenue		-	-	229	-	-
Total		-	-	229	-	-
Biennial Total				229		-
2 - Revenues, Transfers In*						
Public Safety Dept						
Restrict Misc. Special Revenue		-	-	-	-	-
Total		-	-	-	-	-
Biennial Total				-		-

HF742 - 1A - Certain Firefighting Foam Prohibited

Chief Author: **Matthew Norris**
 Committee: **Environment and Natural Resources Finance And Policy**
 Date Completed: **2/13/2023 10:08:39 PM**
 Agency: **Pollution Control Agency**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
		FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Jim Carlson **Date:** 2/6/2023 2:31:43 PM
Phone: 651-284-6540 **Email:** jim.carlson@lbo.mn.gov

State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027	
Total	-	-	-	-	-	-
Biennial Total			-			-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Total	-	-	-	-	-	-
Biennial Total			-			-
2 - Revenues, Transfers In*						
Total	-	-	-	-	-	-
Biennial Total			-			-

Bill Description

This bill amends MS 2022 section 325F.072 subdivisions 1 and 3 to prohibit the use of certain firefighting foam with exemptions for class B firefighting foam for which the inclusion of PFAS is federally required. It adds the prohibition of manufacture, knowingly sell, offer or distribute for sale, or distribute for use of PFAS containing class B firefighting foam unless exempted where inclusion of PFAS is required by federal law.

The amendment does not change subdivision 4, which gives the commissioner of the Pollution Control Agency authority to enforce compliance with these sections under sections 115.071 and 116.072 in coordination with the commissioners of commerce and health.

The bill further amends the section with specific actions for terminals and oil refineries and provides language for waivers through the State Fire Marshal for these facilities.

This amendment would be effective January 1, 2024.

Assumptions

This amendment does not change the authority placed in the commissioner of the Pollution Control Agency to conduct enforcement. Because the MPCA already received staff and supply funds with the implementation of MS 2022 section 325F.072, it is assumed that the required level of effort for compliance will remain similar and not add existing costs.

Expenditure and/or Revenue Formula

N/A

Long-Term Fiscal Considerations

None known

Local Fiscal Impact

No costs to local governments are expected.

References/Sources

MPCA staff familiar with PFAS and compliance and enforcement were consulted for this fiscal note.

Agency Contact: Pam Anderson (651-757-2190)

Agency Fiscal Note Coordinator Signature: John Allen

Phone: 651-757-2185

Date: 2/3/2023 4:02:26 PM

Email: john.j.allen@state.mn.us

HF742 - 1A - Certain Firefighting Foam Prohibited

Chief Author: **Matthew Norris**
 Committee: **Environment and Natural Resources Finance And Policy**
 Date Completed: **2/13/2023 10:08:39 PM**
 Agency: **Public Safety Dept**

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
Restrict Misc. Special Revenue	-	-	229	-	-	-
Total	-	-	229	-	-	-
Biennial Total			229			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
Restrict Misc. Special Revenue	-	-	-	-	-
Total	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Laura Cecko **Date:** 2/13/2023 10:14:11 AM
Phone: 651-284-6543 **Email:** laura.cecko@lbo.mn.gov

State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands		FY2023	FY2024	FY2025	FY2026	FY2027
Restrict Misc. Special Revenue	-	-	-	229	-	-
Total	-	-	-	229	-	-
Biennial Total				229		-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Restrict Misc. Special Revenue	-	-	-	229	-	-
Total	-	-	-	229	-	-
Biennial Total				229		-
2 - Revenues, Transfers In*						
Restrict Misc. Special Revenue	-	-	-	-	-	-
Total	-	-	-	-	-	-
Biennial Total				-		-

Bill Description

The A-1 amendment specifies what entities would be allowed to continue use of PFAS foams to January, 2026. Any terminal facility of refinery would need to apply to the State Fire Marshal for a waiver should the facility need to continue use of PFAS foams.

Assumptions

Current firefighting foams (containing PFAS) perform the best on petroleum-based fires. Current alternatives do not meet all the capabilities of foams being used today.

Expenditure and/or Revenue Formula

The state fire marshal division would need to contract with an outside agency to conduct required public comment/hearing sessions (\$20,250): Estimates based on hourly rates from the Management Analysis and Development \$150/hour x 5 hours = \$750

SFMD estimates 27 facilities for public comment/hearings: \$750 x 27 = \$20,250

Staff hours and administrative costs = \$9,180.

Public hearing filing fee = \$40 x 27 facilities = \$1,080

SFMD Staff = \$50/hr x 6 hours x 27 facilities = \$8,100

The state fire marshal division expects legal challenges to any waiver (approved or denied). The state fire marshal division would need the services of the Attorney General's Office for legal representation (\$200,000). This cost estimate is based on recent legal proceedings, however SFMD cannot predict how many legal challenges may occur.

Total FY25 special revenue expenditures \$229,430

Long-Term Fiscal Considerations

All waivers sunset by 2028 with no allowance for extending beyond January 1, 2028. No additional funding will be needed.

Local Fiscal Impact

References/Sources

Minnesota Management and Analysis Division cost schedule (2023)

Current bargaining unit salary schedule for state fire marshal employees

Agency Contact: Jim Smith 651-201-7201

Agency Fiscal Note Coordinator Signature: Dan Boytim

Phone: 651-201-7040

Date: 2/13/2023 10:12:17 AM

Email: Dan.Boytim@state.mn.us